

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:18-cv-189-GCM

|                       |   |                           |
|-----------------------|---|---------------------------|
| JAMES C. MCNEILL,     | ) |                           |
|                       | ) |                           |
| Plaintiff,            | ) |                           |
|                       | ) |                           |
| vs.                   | ) |                           |
|                       | ) |                           |
| JHON HERRING, et al., | ) | <b><u>5-DAY ORDER</u></b> |
|                       | ) |                           |
| Defendants.           | ) |                           |
|                       | ) |                           |

---

**THIS MATTER** is before the Court *sua sponte*.

The *pro se* incarcerated Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. It is presently scheduled for a jury trial on November 1, 2021. (Doc. No. 60).

On August 6, 2021, the Court issued an Order instructing the parties, “[f]our full weeks before the first day of the term in which this case has been placed on a published trial calendar,” to file a trial brief, joint statement, proposed jury instructions, and requested questions for voir dire. (Doc. No. 60 at 2). The Order provides that “[f]ailure to comply with this deadline WILL result in sanctions.” (*Id.*). On September 14, 2021, the Court issued an Order reiterating the October 4, 2021 deadlines and notifying counsel that the failure to comply by 4:00 PM that day would result in sanctions. (Doc. No. 62).

The October 4 deadline has expired and counsel for Defendants has failed to comply. Within five (5) days of this Order, counsel shall comply with the August 6 and September 14 Orders, and file a Response explaining why sanctions should not be imposed.

**IT IS, THEREFORE, ORDERED** that, within **five (5) days** of this Order, counsel for Defendants shall comply with the August 6 and September 14, 2021 Orders, and file a Response

explaining why sanctions should not be imposed.

The Clerk is instructed to transmit a copy of this Order to James B. Trachtman, Special Deputy Attorney General, Section Head, Public Safety Section, North Carolina Department of Justice, [jtrachtman@ncdoj.gov](mailto:jtrachtman@ncdoj.gov).

Signed: October 12, 2021



Graham C. Mullen  
United States District Judge

